

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

BRADBURY , BURNS , GiaQUINTA ,
HENRY , LONG , REDD ,
SCHMIDT , STIER , TALARICO ,

COUNCILMEMBER: Dradkany Des Jueren

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of July, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 22nd day of July, 1988,

S. E. K.
SANDRA E. KENNEDY, CITY CLERK



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

28 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a dedicated utility easement.

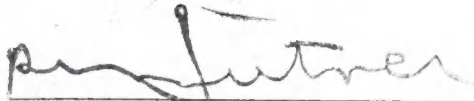
The proposed ordinance is designated as:

BILL NO. G-87-09-32

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of June 1988.



Robert Hutner
Secretary

FACT SHEET

G-87-09-32

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Utility Easement Vacation

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

A 14' wide utility easement lying between
Lots 2 & 3 in Hovan Park.

Reason for Project

Future Development

Discussion (Including relationship to other Council actions)21 September 1987 - Public Hearing

Ron Felger, attorney representing the petitioner Hovan Realty appeared before the Commission. Mr. Felger stated that his client has a potential buyer for the property. He stated the proposed new development would require vacating this easement. He stated that there are no other adjoining property owners affected by the petition.

Baron Biedenweg asked if there were any utilities using the easement. Mr. Felger stated that there were none to his knowledge.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

28 September 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing easements as necessary.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Hovan Realty Company
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

Of the nine members present eight (8) voted in favor of the motion one (1) did not vote. Motion carried.

NOTE:

This ordinance has been held up pending the relocation of power source, by underground methods, for Street Light Engineering. The cost of all relocating was also to be the burden of the developer. The staff received a memo from Street Lighting on June 7, 1988 stating that these conditions had been satisfied.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start**Date** 10 August 1987**Projected Completion or Occupancy****Date** 23 June 1988**Fact Sheet Prepared by**

Patricia Biancaniello

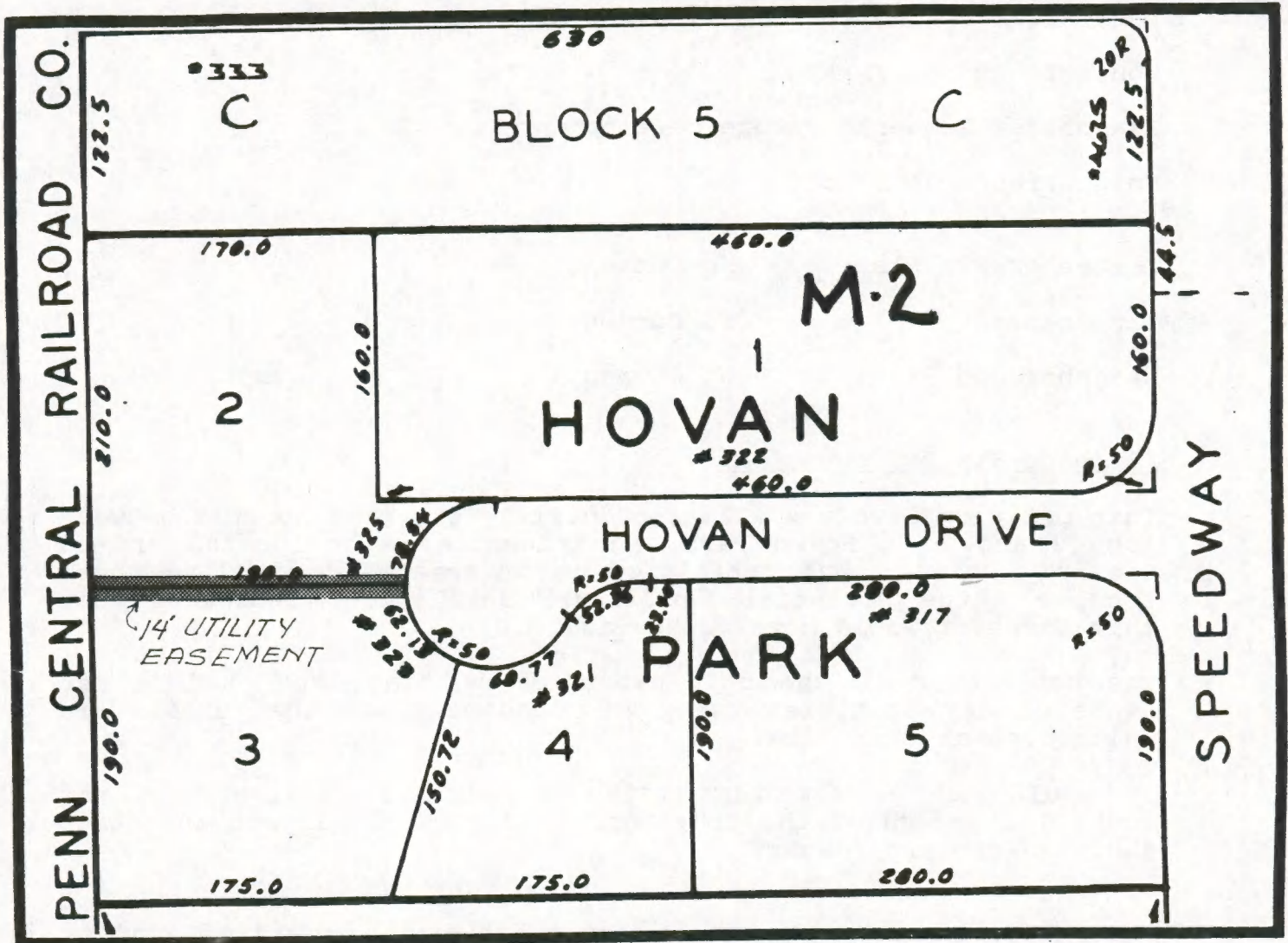
Date 23 June 1988**Reviewed by***Gary Dexter*
Reference or Case Number**Date***28 June 1988*

VACATION PETITION 298

A PETITION TO VACATE THE DESCRIBED PUBLIC UTILITY EASEMENT.

MAP NO. M-30

COUNCILMANIC DISTRICT NO. 3



ZONING:

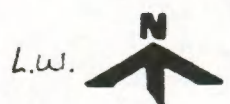
LAND USE:

M2 GENERAL INDUSTRY

C COMMERCIAL

SCALE: 1"=100'

DATE: 8-27-87



Ronald D. Felger, attorney for Hovan Realty Company, requests the vacation of a utility easement.

Location: Between 323 and 325 Hovan Drive

Legal: See file

Land Area: Approximately 0.058 Acres

Zoning: D/N/A

Reason for Request: Future development

Neighborhood Assoc.:

Comprehensive Plan: No Comment

Landscape: No Comment

Neighborhood Plan: No Comment

Planning Staff Discussion:

This petition involves a 14 foot utility easement located between lots 2 and 3 in Hovan Park, an industrial site located off of Speedway Drive. The petitioner is interested in selling these lots, and the potential for future development indicates that this easement would have to be vacated.

The petitioner is the only owner of abutting land, and is not aware of any utilities using this easement, as the parcels are unimproved at this time.

It would not appear that this easement is necessary to the continued growth of the city, nor that it would impact any other abutting property owner.

Recommendation: Do Pass, contingent upon providing utility easements as necessary.

1) Approval will not be harmful to any other property owner.

2) Approval would not adversely impact the future growth of the city, and may be in the best interests of the city.

RESOLUTION

WHEREAS, HOVAN REALTY COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

Part of the 14 foot-wide utility easement which lies 7 feet on each side of the common lot line between Lots Numbered 2 and 3 in Hovan Park, the plat of which is recorded in Plat Book 46, pages 47-50 in the Office of the Recorder of Allen County, Indiana, said part being more particularly described as follows to-wit:

Beginning on the South line of said Lot Number 2 at a point situated 14.0 feet East of the Southwest corner of said Lot Number 2; thence Northerly and parallel to the West line of said Lot Number 2, a distance of 7.0 feet; thence East and parallel to the South line of said Lot Number 2, a distance of 161.39 feet to a point situated 15.0 feet (measured radially) Westerly of the cul-de-sac right-of-way line of Hovan Drive; thence Southerly, on and along a line situated 15.0 feet (measured radially) Westerly of and concentric to said cul-de-sac right-of-way line, an arc distance of 14.03 feet, being subtended by a long chord having a length of 14.00 feet to a point situated 7.0 feet South of the North line of said Lot Number 3; thence West and parallel to the North line of said Lot Number 3, a distance of 161.37 feet to a point situated 14.0 feet East of the West line of said Lot Number 3; thence North and parallel to said West line, a distance of 7.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 21, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)

SS:

COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held

DATED THIS 22 DAY OF June 1988

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary

RESOLUTION 77-289-10

WHEREAS, HOVAN REALTY COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

Part of the 14 foot-wide utility easement which lies 7 feet on each side of the common lot line between Lots Numbered 2 and 3 in Hovan Park, the plat of which is recorded in Plat Book 46, pages 47-50 in the Office of the Recorder of Allen County, Indiana, said part being more particularly described as follows to-wit:

Beginning on the South line of said Lot Number 2 at a point situated 14.0 feet East of the Southwest corner of said Lot Number 2; thence Northerly and parallel to the West line of said Lot Number 2, a distance of 7.0 feet; thence East and parallel to the South line of said Lot Number 2, a distance of 161.39 feet to a point situated 15.0 feet (measured radially) Westerly of the cul-de-sac right-of-way line of Hovan Drive; thence Southerly, on and along a line situated 15.0 feet (measured radially) Westerly of and concentric to said cul-de-sac right-of-way line, an arc distance of 14.03 feet, being subtended by a long chord having a length of 14.00 feet to a point situated 7.0 feet South of the North line of said Lot Number 3; thence West and parallel to the North line of said Lot Number 3, a distance of 161.37 feet to a point situated 14.0 feet East of the West line of said Lot Number 3; thence North and parallel to said West line, a distance of 7.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

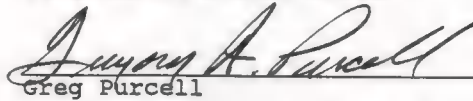
I, Angela S. Derbeemer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held June 15, 1988 and as same appears of record in the official records of the Board of Public Works

DATED THIS 15th DAY OF June 1988

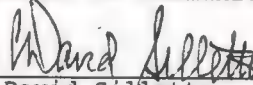
FORT WAYNE BOARD OF PUBLIC WORKS



Angela S. Derheimer
Director of Public Works



Greg Purcell
Director of Community Development & Planning



C. David Silletto
Director of Administration & Finance



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

30 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right of way.

The proposed ordinance is designated as:

BILL NO. G-87-10-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of June 1988.

Robert Hutner
Secretary

FACT SHEET

Bill No. G-87-10-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Street Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

Portion of John Street & Sylvia Street.

Reason for Project

Future Development

Discussion (Including relationship to other Council actions)19 October 1987 - Public Hearing

Doug McComb, engineer for project representing Ed Keller the owner stated that these rights-of-way are unimproved. He stated that they are willing to provide any easements as needed. He stated that he had discussed with staff and had agreed to modify their request to vacate John Street starting approximately 395 feet north of the north right of way of the existing Sylvia Street right of way. He stated this will provide right of way in front of the proposed subdivision and continuing north approximately 65 feet, which would allow for future construction of a cul-de-sac if necessary.

Janet Bradbury stated that she was of the understanding that they are planning to have the cul-de-sac open going directly out making a 90 degree turn at the cul-de-sac going out and then the proposed street would go and make another 90 degree turn and go out John Street. She questioned if that is a projection or a plan.

Doug McComb stated that they have not

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Ed Keller

City Department

Other

Opponents**Groups or Individuals**

Dianna Kimmel, 1207 Sylvia St

Basis of Opposition

- increase traffic congestion in area

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☐ For ☐ Against
☐ No Action Taken☒ For with revisions to conditions
(See Details column for conditions)
Delete John St from request.**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

made plans to connect those two streets together at this time. Mr. McComb stated that he felt the owner is committed to making that connection, they wanted to connect it when it was originally submitted, but it was recommended they should not. He stated that they have made provisions in the future to make the connection but it is not a part of this plat now.

Yvonne Stam questioned what is the rationale for vacating John Street.

Doug McComb stated that it is not a major concern whether John Street is vacated at this time. He stated that when this area is developed it might at that time allow a different configuration of the plat. He stated it would make the ground more useable.

Yvonne Stam stated that she felt it would make more sense to vacate a street when they know the reason for the request. She stated she wasn't sure that the petitioner had given them good reason to vacate John Street at this time.

Doug McComb stated that the right-of-way has existed unimproved for years. He stated that there is a creek to cross if the City would build a road. He stated that he felt the likelihood of a road ever being constructed on the location is zero. He stated from that standpoint the owner would like to see it vacated.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Ms. Stam questioned if Mr. Keller owned the shopping center as well.

Mr. McComb stated he did not.

Dianna Kimmel, 1207 Sylvia Street, stated that i representing the neighborhood they do want to see John Street connected with the subdivision due to the fact that they are already experiencing a heavy traffic flow down their street. She stated they are cutting through from Decatur Road out onto the highway. She stated not putting John Street through they will experience even more traffic. She stated that they did sign a petition in favor of connecting Connijean Court to John Street and Mr. Keller represented the fact that this was his plan.

Janet Bradbury questioned regardless of how the connection was made from Connijean, whether it was straight through, right angle and then another right angle, if the neighborhood would have opposition to the plan.

Ms. Kimmel stated that is correct.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

Project Start

Date
10-18-87

Projected Completion or Occupancy

Date
6-29-88

Fact Sheet Prepared by

Date
6-29-88

Patricia Biancaniello

Reviewed by

Date

Ray Barts
Reference or Case Number

4/30/88

26 October 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following Perfection:

1) Sylvia Street right of way to be vacated as petitioned subject to the petitione providing utility easements as necessary.

2) John Street should not be vacated at this time. The overall development potential is unknown, and it would be inappropriate to vacate this portion of right of way now.

Motion carried.

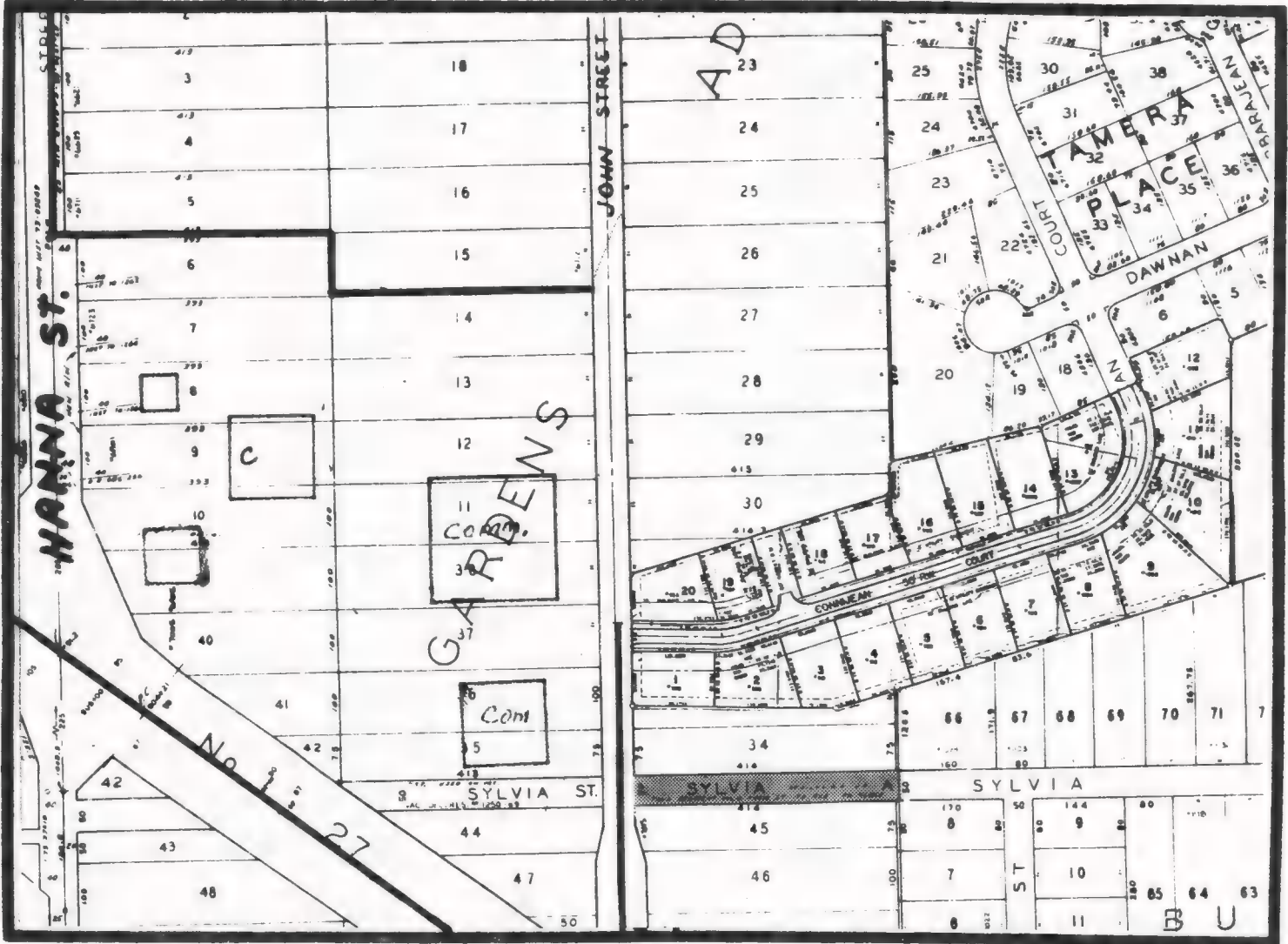
Bill No. G-87-10-10

NOTE: This ordinance has been held until the petitioner submitted a new legal description deleting John Street from the request. It was also necessary for the petitioner to submit and have recorded a Grant of Easement for the Water Pollution Control Engineering Department.

VACATION PETITION #309
A PETITION TO VACATE THE DESCRIBED PUBLIC STREETS.

MAP NO. N-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

BIB LIMITED BUSINESS 'B'
RB RESIDENCE 'B'

AS AMENDED

SCALE: 1"=200'

36 **DATE:** 10-5-87



Douglas A. McComb, agent for Edward Keller, Sr., requests the vacation of portions of two right-of-ways.

Location: A portion of John Street and Sylvia Street.

Legal: See File

Land Area: Approximately 45,700 Square Feet

Zoning: Does Not Apply

Surroundings: This area is zoned RB on the east side of John Street, and both sides of Sylvia Street, with the west side of John Street being zoned B-1-B.

Reason for Request: Not Stated.

Neighborhood Assoc.: South Suburban Civic

Comprehensive Plan: No Comment

Neighborhood Plan: No Comment

Landscape: No Comment

Planning Staff Discussion:

This area is residential on one side with an existing commercial site on the other. The petitioner owns and is developing land parcels located in the immediate area of these two right of ways.

We have objection to the vacation of the requested portion of Sylvia Street, as this right-of-way is probably no longer necessary for continued growth. However, we do have reservations regarding the John Street vacation as requested. Currently this street serves as access to a few homes, and a commercial area. We are aware of a proposed duplex subdivision which will be developed in this area. (Although not having direct access to John Street.)

North of this proposed subdivision is a parcel of land that has potential for multi-family development. An access means has been provided in the proposed plat. However, we would like to maintain a portion of the John Street right-of-way as a possible alternative or additional access to that area. For that reason we would suggest that the right-of-way on John Street be perfected to start approximately 395 feet north of the north right-of-way of the existing Sylvia Street right-of-way. This will provide right-of-way in front of the proposed subdivision (two lots of which will take access from there), and continuing

north approximately 65 feet, which would allow for future construction of a cul-de-sac, if necessary.

Recommendation: Conditional Approval, contingent upon the following:

1) Sylvia Street right-of-way to be vacated as petitioned, subject to the petitioner providing utility easements as necessary.

2) John Street right-of-way to be perfected to a starting point approximately 395 north of the north right-of-way of the existing Sylvia Street right-of-way.

a) Petitioner to provide a revised legal description that describes this perfected petition;

b) Petitioner to provide utility easements as needed.

Reasons:

1) Approval would be in the best interests of the City.

2) Vacated right-of-way is not necessary for the continued growth of the City.

RESOLUTION 77-192-3

WHEREAS, EDWARD KELLER, SR., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public street in Fort Wayne, Allen County, to-wit:

Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right-of-way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence West along the South right-of-way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right-of-way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right-of-way line of John Street, a distance of 50.0 feet to a point on the North right-of-way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right-of-way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW 1/4 of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW 1/4 of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

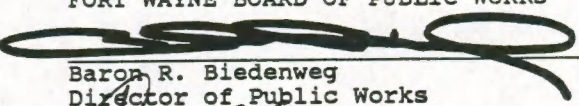
STATE OF INDIANA))
COUNTY OF ALLEN) SS:

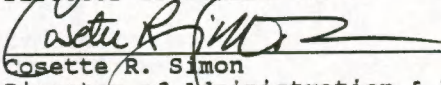
I, Baron H. Biederman, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the

Fort Wayne Board of Public Works at their meeting held
November 18, 1987 and as same appears
of record in the official records of the Board of Public Works

DATED THIS 18th DAY OF November 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

Gregory A. Purcell, Director of Division of
Community Development & Planning

RESOLUTION

WHEREAS, EDWARD KELLER, SR., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street in Fort Wayne, Allen County, to-wit:

Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right-of-way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence West along the South right-of-way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right-of-way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right-of-way line of John Street, a distance of 50.0 feet to a point on the North right-of-way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right-of-way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW 1/4 of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW 1/4 of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; andnd,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 19, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of street.

WHEREAS, said vacation of said portion of street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort

Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of street in Allen County, Indiana.

STATE OF INDIANA)

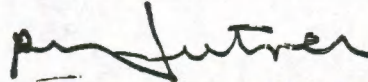
) SS:

COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held Oct 26, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 30 DAY OF November 1987

FORT WAYNE CITY PLAN COMMISSION



Robert Hutner, Secretary